

SUMMARY MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, April 4, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

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The meeting was called to order at 3:30 p.m. by Council President Lantry.

Present – 6 – Benanav, Harris, Helgen, Lantry, Thune

Absent -1 – Montgomery (excused); Bostrom (arrived after roll call)

CONSENT AGENDA (Items 1 - 23)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

Councilmember Thune requested Item 10 be removed for discussion. Councilmember Helgen requested Items 11 and be15 be removed for discussion. Councilmember Thune moved approval of the consent agenda as amended. Adopted as amended Yeas - 6 Nays - 0

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

- 1. Claims of Randell Baertsch, Roland Block, Martha Byrd, Brian Christiansen, Carol Claugherty, CMR Claims, Victoria Gbojueh, Pana Lee, Gregory Miller, Gabriela Parra-Rios, Kimberly Quitmeyer, Robin Rabuse, and Kari Skjerseth.

 Referred to Risk Management
- 2. Letter from the Department of Public Works, Technical Services, announcing a public hearing before the City Council on April 18, 2007 to consider the petition of Steve Nilsson, Capital Partners LLP, to vacate alley right-of-way in the West Seventh Street and Montreal Avenue block in order to consolidate property for redevelopment.

- 3. Letter from the Department of Public Works, Technical Services, announcing a public hearing before the City Council on April 18, 2007 to consider the petition of the Housing and Redevelopment Authority of the City of Saint Paul to vacate alley rights in the block bounded by East 4th and 5th Streets and Wacouta and Wall Streets in order to consolidate property for redevelopment.
- 4. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on April 18, 2007 to consider the application of Ms. Alison Kern to rezone property from TN2 (Traditional Neighborhood) and VP (Vehicular Parking) to B2 (Community Business) at 1172-1180 Arcade Street, 0 Rose Avenue, and 838 Maryland Avenue East (southeast corner of Maryland Avenue and Arcade Street). (Zoning File 07-022-851)
- 5. Letters from the Department of Safety and Inspections, Code Enforcement Division, declaring 123 Atwater Street, 430 Banfil Street, 432 Banfil Street, 1126 Edgerton Street, 941 Greenbrier Street, 1130 Margaret Street, 1155 Payne Avenue, and 826 Stellar Street as nuisance properties. (For notification purposes; public hearings will be scheduled at a later date if necessary.)
- 6. Letter from the Department of Safety and Inspections, Code Enforcement Division, declaring 1130 Margaret Street and 537 Topping Street as nuisance properties and setting date of Legislative Hearings for April 3, 2007 and City Council Public Hearings for April 18, 2007.
- 7. Administrative Orders:

D002643 Amending the 2006 Fund 375 operating budget in the Division of Parks and Recreation to maintain budgetary level of control.

On file in the City Clerk's Office

FOR ACTION

8. Approval of minutes of March 7, 14, and 21, 2007.

Adopted Yeas - 6 Nays - 0

9. Resolution – 07-298 – Changing the rate of pay for the classification titled Information Services Manager – SPRWS.

Adopted Yeas - 6 Nays - 0

- 10. Resolution 07-299 Declaring the importance of transparency and public input, and directing City staff involved in coordinating the 2008 Republican National Convention to work collaboratively in an effort to ensure the right to political speech and civic debate is preserved through the formation of a Legislative Advisory Committee. (Discussed after the consent agenda)
- 11. Resolution 07-300 Approving the amended condition, per the Legislative Hearing Officer, for an Auto Repair Garage License for Christopher Walker, owner, d/b/a Certified Auto, 977 Front Avenue.

 (Discussed after the consent agenda)
- 12. Resolution 07-301 Authorizing the Department of Fire and Safety Services to accept a 2006 Homeland Security Grant in the amount of \$1,118,000.00 from the State of Minnesota.

Adopted Yeas - 6 Nays - 0

- 13. Resolution 07-302 Authorizing the City to submit the 2007 Consolidated Plan (CDBG, ESG, HOME) to the U.S. Department of Housing and Urban Development. Adopted Yeas 6 Nays 0
- Resolution 07-303 Transferring additional CDBG funds to the appropriate amended funding code for Community Neighborhood Housing Services.
 Adopted Yeas 6 Nays 0
- Resolution 07-304 Authorizing the Saint Paul Saints Baseball Club to use the City's
 3.2 percent malt beverage license at Midway Stadium.
 Adopted Yeas 6 Nays 0
- 16. Resolution 07-305 Accepting a 2007 Shoreline Habitat Restoration grant from the Minnesota Department of Natural Resources for supplemental work to be completed at Como Lake as part of the Division of Parks and Recreation's ongoing shoreline restoration project.

Adopted Yeas - 6 Nays - 0

17. Resolution – 07-306 – Authorizing the Division of Parks and Recreation to request and receive reimbursement from the Capitol Region Watershed District for watering, volunteer coordination, planting and maintenance services on City property in 2007. Adopted Yeas – 6 Nays – 0

18. Resolution – 07-307 – Authorizing the Division of Parks and Recreation to enter into an agreement with the Capitol Region Watershed District to accept funding in the amount of \$7,000 to be used toward funding a natural resource intern.

Adopted Yeas - 6 Nays - 0

19. Resolution – 07-308 – Authorizing the release of utility easements in a portion of vacated Benson Avenue in conjunction with the proposed building of Stuart Memory Care Center. Adopted Yeas – 6 Nays – 0

20. Resolution – 07-309 – Approving projects for submittal to Transit For Livable Communities for review, rating, and possible Federal Non-Motorized Transportation Pilot Program Funding.

Adopted Yeas - 7 Nays - 0

21. Resolution – 07-310 – Authorizing reconveyance of two tax-forfeited parcels along Union Pacific Railroad property.

Adopted Yeas - 6 Nays - 0

- 22. Preliminary Order 07-311 In the matter of constructing new sidewalk on the north side of Englewood Avenue from North Dunlap Street to North Lexington Parkway [S0701]; new sidewalk on the south side of Hewitt Avenue from North Griggs Street to North Dunlap Street [S0702]; new sidewalk on the north side of Christie Place from Prosperity Road to Kennard Street [S0703]; new driveway apron at 1918 East Orange Avenue [S0704]; and setting date of public hearing for May 16, 2007. Adopted Yeas 6 Nays 0
- 23. Resolution Approving Assessment 07-312 In the matter of the assessment of benefits, cost, and expenses for boarding-up vacant buildings during January and February, 2007 [J0701B]; summary abatements (property clean-up) on private property from February 23 to March 14, 2007 [J0704A]; weekly garbage hauling services from March 6 to March 13, 2007 [J0704G]; removing diseased elm trees from private property during the winter season 2006/2007 [0702T], and setting date of public hearing for May 16. Adopted Yeas 6 Nays 0

10. Resolution – 07-299 – Declaring the importance of transparency and public input, and directing City staff involved in coordinating the 2008 Republican National Convention to work collaboratively in an effort to ensure the right to political speech and civic debate is preserved through the formation of a Legislative Advisory Committee.

Councilmember Thune said this is a resolution similar to one passed in Minneapolis and one of the reasons for doing that is so St. Paul can work concurrently with Minneapolis.

A number of concerns have been raised about the convention and this resolution addresses those concerns.

Councilmember Thune moved approval.

Adopted Yeas - 6 Nays - 0

11. Resolution – 07-300 – Approving the amended condition, per the Legislative Hearing Officer, for an Auto Repair Garage License for Christopher Walker, owner, d/b/a Certified Auto, 977 Front Avenue.

Councilmember Helgen presented a substitute and moved to lay over two weeks. He requested the City Attorney advise if the barbed wire fence currently on this property is allowed under city code.

Substitute laid over to April 18

Yeas -5 Nays -0 (Thune not present)

15. Resolution – 07-304 – Authorizing the Saint Paul Saints Baseball Club to use the City's 3.2 percent malt beverage license at Midway Stadium.

Councilmember Helgen questioned why the license is limited to 3.2 malt beverages. He requested that Trudy Moloney, Director of Council Operations, contact Parks and Recreation and the City Attorney regarding the possibility of allowing the Saint Paul Saints to have a strong beer and wine license rather than the 3.2 beer license.

Councilmember Helgen moved approval.

Adopted Yeas -4 Nays -0 (Bostrom and Thune not present)

FOR DISCUSSION

24. Resolution – 07-247 – Approving the license application with conditions, per the Legislative Hearing Officer, of Michael Abri, owner, Twin City Direct Auto Sale, 1265 Arcade Street. (Laid over from March 28)

Councilmember Bostrom moved approval.

Adopted Yeas - 5 Nays - 0 (Thune not present)

25. Resolution Ratifying Assessment – 07-276 – In the matter of the assessment of benefits, cost and expenses for boarding up vacant buildings at 1861 and 1871 Randolph Avenue during October, 2006. (J0612B1) (Public hearing held and laid over from March 21; laid over March 28) (Legislative Hearing Officer recommends approval of the assessments)

Councilmember Harris moved approval.

Adopted Yeas -4 Nays -0 (Bostrom and Thune not present)

26. Resolution – 07-313 - Supporting the *Letter of Hope 2007 Initiative*.

Councilmember Helgen introduced Gary Fitch, a letter carrier from Minnesota, who will be riding his bicycle from Seattle, Washington to Washington, D.C. collecting letters of hopes and dreams from citizens and which will then be launched into space by NASA.

Mr. Fitch talked about his upcoming endeavor and Councilmember Helgen, on behalf of the City Council, said he appreciates what this means for our community and for the future.

Councilmember Helgen moved approval.

Adopted Yeas - 6 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>. PUBLIC HEARINGS ON ORDINANCES ARE HELD AT THE THIRD READING.

27. Final Adoption – 07-212 – An ordinance amending the Charter of the City of Saint Paul to place the City Clerk under the authority of the City Council. (Laid over from March 28)

Council President Lantry noted that this ordinance would have to be laid over as the vote of seven Councilmembers is required to pass it.

Laid over to April 11 for final adoption Yeas - 6 Nays - 0

- 28. Second Reading 07-293 An ordinance amending Chapter 409 of the Saint Paul Legislative Code to limit the use of funds deposited in the Youth Program Fund to provide fee waivers for youth participants in City recreation programs. Laid over to April 18 for third reading/public hearing
- 29. Second Reading 07-294 An ordinance amending Section 98.04E (1) and (2) of the Saint Paul Administrative Code concerning entities and employees exempt from the living wage requirement.

Laid over to April 18 for third reading/public hearing

30. First Reading – 07-314 – An ordinance amending Chapter 200 of the Saint Paul Legislative Code to disqualify certain individuals from licensing dogs. Laid over to April 11 for second reading

Suspension Item

Councilmember Helgen moved suspension of the rules to introduce the following resolution: Yeas - 6 Nays - 0

Resolution – 07-322 – Approving the hiring of Lockridge, Grindal, Nauen as Federal Legislative lobbyists for 2007.

Councilmember Helgen stated this is the federal lobbying contract with the above firm to represent the City's interest in Washington, D.C. It has been approved by the Administration and by the Finance Department. It is consistent with the procedure to review and approve who's lobbying and representing the City of Saint Paul.

Councilmember Helgen moved approval.

Adopted Yeas - 6 Nays - 0

The meeting was recessed from 3:50 to 5:30 p.m.

Present -6 Absent -0

PUBLIC HEARINGS

31. Resolution – 07-315 – Refunding Revenue Housing Bonds for the Marian Center in District 4.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

32. Final Order – 07-316 – In the matter of constructing a new concrete curb and sidewalk and a new above standard twin globe lantern street lighting system on Rice Street from Front Avenue to Rose Avenue. (File No. 19040)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

33. Resolution Ratifying Assessment – 07-317 – In the matter of the assessment of benefits, cost, and expenses for reconstruction of concrete surfaces above existing areaway vaults abutting the First Bank building at 332 Minnesota Street and at 340 Cedar Street, Athletic Club building.

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

34. Resolution Ratifying Assessment – 07-318– In the matter of the assessment of benefits, cost, and expenses for tenant remedy action rehabilitation for property at 941 Edmund Avenue in January, 2007. (File No. TR0701)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

35. Resolution Ratifying Assessment – 07-319 – In the matter of the assessment of benefits, cost, and expenses for construction of new concrete curb and sidewalk and a new above standard twin globe lantern street lighting system on Rice Street from Sycamore Street to Front Avenue. (File No. 19027)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing and approval.

Adopted Yeas - 6 Nays - 0

36. Resolution Ratifying Assessment – 07-320 – In the matter of the assessment of benefits, cost, and expenses for summary abatement (property clean-up) at 1154 Lawson Avenue on January 3, 2007 [J0701A1] and providing weekly garbage hauling services from December 28, 2006 to January 10, 2007 [J0701G1]. (Legislative Hearing Officer recommends the following:

<u>1154 Lawson Street</u> (J0701A1) - delete the assessment; and <u>585 Thomas Avenue</u> (J0701G1) - approve the assessment and spread the payments over three (3) years.)

No one appeared in opposition; Councilmember Bostrom moved to close the public hearing and approval.

Adopted as amended (per the recommendation of the Legislative Hearing Officer)

Yeas - 6 Nays -0

- 37. Resolution Ratifying Assessment 07-321 In the matter of the assessment of benefits, cost, and expenses for boarding-up vacant buildings during December, 2006 [J0614B]; summary abatement (property clean-ups) from January 16, 2006 to January 30, 2007 [J0702A]; providing weekly garbage hauling services from January 16, 2006 to January 30, 2007 [J0702G]; and demolition of vacant buildings at 947 Desoto Street and 36 Winnipeg Avenue in January, 2007 [J0702C]. (Legislative Hearing Officer recommends the following:
 - 1366 Albany Avenue (J0702A) delete the assessment;
 - 801 Aurora Avenue (J0702A) approve the assessment;
 - 585 Case Avenue (J0702A) approve the assessment;
 - 329 Concord Street (J0614B) approve the assessment;
 - 652 Conway Street (J0702A) approve the assessment;
 - 690 Conway Street (J0702A) recommendation is forthcoming approve the assessment;
 - 947 Desoto Street (J0702C) approve the assessment and spread the payments over ten (10) years;
 - 694 Fourth Street East (J0702A) approve the assessment;
 - 65 George Street West (J0614B) approve the assessment;
 - <u>606 Jessamine Avenue East</u> (J0702G) approve the assessment and spread the payments over five (5) years;
 - <u>606 Jessamine Avenue East</u> (J0702A) approve the assessment and spread the payments over five (5) years;
 - 727 Jessamine Avenue East (J0614B) approve the assessment;
 - <u>1778 Margaret Street</u> (J0702A) approve the assessment; <u>Lay over to the April 10</u>
 - Legislative Hearing and April 18 City Council public hearings;
 - 885 Park Street (J0614B) delete the assessment;
 - 585 Thomas Avenue (J0702G) approve the assessment and spread the payments over three (3) years; and
 - 110 York Avenue (J0702G) reduce the assessment from a total of \$320 to a total of \$70.)

Marcia Moermond, Legislative Hearing Officer, made a change to 1778 Margaret, as noted above, and gave a report on 606 East Jessamine. She noted that there are two assessments for 606 East Jessamine. One is for \$220 and the other for \$444. One is for property clean-up and the other for garbage hauling service. She said there is a chronic problem with having sufficient garbage service provided at this house. At the Legislative Hearing, it became apparent that there are so many people in this rental property that they are generating more garbage than the cans can hold. The property owner said he would be willing to pay \$250 for garbage hauling but the assessed amount was too high.

A video of the property was shown to the Council.

The owner of 606 East Jessamine appeared and spoke through a translator. He asked for a reduction and the payments spread over five years saying he cannot afford to pay the assessed amount. Also, he said it's someone else putting out much of the trash and he wants the property to be clean.

Councilmember Bostrom moved to close the public hearing. Yeas -6 Nays -0 Councilmember Bostrom moved approval as amended. Adopted as amended (per the recommendation of the Legislative Hearing Officer) Yeas -6 Nays -0

38. Appeal of Monica Wietgrefe to an Amended Notice of Condemnation for property at 775

<u>Ivy Avenue West</u>. (Legislative Hearing Officer's recommendation is forthcoming

<u>Denying the appeal on the condemnation order and continuing the order on the vacate</u>

date.)

Marcia Moermond, Legislative Hearing Officer, requested that the public hearing be continued for two weeks. She recommended that the Council deny the appeal on the condemnation but a vacate date is being worked on and there is some possibility that the clean-up can be sufficiently completed and the property can continue to be lived in.

Councilmember Helgen moved to continue the public hearing for two weeks. Public hearing continued to April 18 (per the recommendation of the Legislative Hearing Officer) Yeas - 6 Nays - 0

39. Appeal of Perry deStefano, SMRLS, on behalf of Tyce Traxler, to a Notice of Condemnation for property at 415 Jessamine Avenue East (Upper Unit). (Legislative Hearing Officer recommends denying the appeal and extending the vacate date to April 15, 2007 conditioned on Fire Prevention having access to the entire building to conduct a Certificate of Occupancy inspection.)

No one appeared in opposition; Councilmember Helgen moved to close the public hearing. Yeas -6 Nays -0

Councilmember Helgen moved to deny the appeal and extend the vacate date to April 15, 2007 conditioned on Fire Prevention having access to the entire building to conduct a Certificate of Occupancy inspection. (Per the recommendation of the Legislative Hearing Officer) Yeas-6 Nays-0

40. Appeal of Barbara Porwit to a Summary Abatement Order for property at <u>845 Geranium Avenue</u>.

Appeal withdrawn

41. Appeal of Carol Murphy to a Notice of Condemnation for property at <u>303 Webster Street</u>. (Legislative Hearing Officer recommends denying the appeal.)

No one appeared in opposition; Councilmember Thune moved to close the public hearing and deny the appeal.

Appeal Denied

Yeas - 6

Navs - 0

Suspension Item

Councilmember Thune moved suspension of the rules to introduce the following resolution:

Yeas - 6 Nays - 0

Resolution – 07-323 – Waiving the 45-day notice requirement and granting West Seventh Partners, LLC, d/b/a Tom Reid's Hockey City Pub, 258 West 7th Street, on-sale liquor (over 100 seats), on-sale liquor 2:00 a.m. closing, and on-sale liquor Sunday licenses.

Councilmember Thune moved approval.

Adopted

Yeas - 6

Nays - 0

Councilmember Helgen talked about the number of trash hauling assessments that come before the Council and asked if there has been discussion in the past regarding the pick up of garbage before it gets to a point of being out of hand – whether it be some sort of organized service or putting some pressure on various haulers to help with additional pick-up. He also asked if Parks or Public Works crews could pick up additional trash and if the system could be looked at differently.

Council President Lantry noted that Greg Blees, former Council Fiscal Policy Analyst, was looking into "green trash haulers" and he was going to try a pilot program in his neighborhood through the block club and try to get neighbors to agree to one day of trash pick-up but they would make their own choice of haulers.

Council President Lantry said it could possibly be tried in some pilot areas and Anne Hunt from Mayor Coleman's Office would be a good contact.

Councilmember Helgen requested that Council Research look into this issue.

Councilmember Thune moved to adjour	rn the meeting. $Yeas - 6$ Nays $- 0$
ATTEST:	ADJOURNED at 5:55 P.M.
Mary Erickson Assistant Council Secretary	Kathy Lantry, Council President
Submitted by: Mary Erickson	May 9, 2007 Minutes approved by Council